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Amylin Pharmaceuticals
9360 Towne Center Drive
San Diego, CA 92121

In re Application of
Hathaway
Application No. 10/091,258
Filed: March 5, 2002
Attorney Docket NO.0213-CIP3-9

This decision is in response to applicants' APPLICATION FOR PATENT TERM ADJUSTMENT timely¹ filed on August 9, 2006 requesting that the Office adjust the PTA at the time of the mailing of the notice of allowance to at least 430 days.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 4 months of the payment of the issue, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term applicant is entitled to for Office failure to issue the patent within 4 MONTHS OF THE PAYMENT OF THE ISSUE FEE. See § 1.702((a)(4).

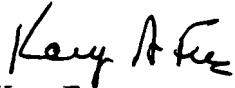
As for the request under 37 CFR 1.702(a)(4), Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 4 months of the payment of the issue fee and all other requirements being satisfied.. A copy of this decision should accompany the request. Patentee may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

After the mailing of this decision, this application will be forwarded to the Office of patent publications for a prompt issuance of the patent. Any delays under 37 CFR 1.702(a)(4) and 1.703(b) will be added to the determination at the time of the issuance of the patent and the notice of PTA determination will be provided to applicant in the issue notification letter that is mailed to applicant approximately three weeks prior to issuance of the patent.

The Office has assessed the \$200.00 fee required of this request. No additional fees are required in considering this matter.

Any questions should be directed to Kery A. Fries, Senior Legal Advisor, at 571-272-7757.

¹Issue fee paid on October 18, 2006.

A handwritten signature in black ink, appearing to read "Kery Fries". The signature is written in a cursive, slightly stylized font.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy